

Attach | Ex. 1

- Suppl. Decl.

1:98-cr-01023-LAK-8  
Khalfan Khamis Mohamed

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA V. KHALFAN KH. MOHAMED, 98-CR-1023(LAK)

Defendant's Supplemental Declaration in Support to His  
His Reply in Support to His: 2240. Mot. for Compassionate  
Release & For the Mailings

I, Khalfan Kh. Mohamed declares under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1- Documents Received From the Government: On January 2, 2025 I received a mail from the government (gov). It contained three documents: (1) The government's 12-pages letter directed to Judge Kaplan, dated Dec-20, 2024; (2) The 4-page document titled "Form 583 Report of Incident", dated 8-23-2018, and; (3) the Court's ruling on U.S. v. Matta, CR-21-22-BLG-SPW (10-pages) dated March 22, 2024.

2- In reviewing government's letter, I've found that many times cites the presentence report (PSR). The gov. did not provide me this document. Also, the LEXIS/NEXIS electronic law library here doesn't have the PSR. So, even though I needed to review the document before I draft and mail my reply, I couldn't do so since I had no means to access it. Moreover, I couldn't find in the LEXIS law library the case U.S. v. El-Hage, cited by the gov. in its letter p. 8, even after several hours of searching.

3-The contents/statement in "Form 583 Report of Incident" dated: 8-23-2018; Are Not True; are lies. I've read this report. Particularly page 3 of 4. The description provided there is completely lie. On that day, I was maliciously assaulted while I was already fully restrained and as I was sick and on hunger strike. I was physically abused by perhaps 10 or more correctional officers... The officer named Brush, helped by many others, tried hard to maliciously break my limbs... The attack on me continued perhaps within 50-70 metters as they beat me to the unit observations cell. There; with NO camera inside, I was beaten even more... My right ankle was fractured that day, and I received many other injuries. As I write, my right ankle is both, very painful and swollen, and the BOP refused to give me any thing beside pain medication which hardly helps any more... I believe the court is entitled to review the camera that the gov. so far wouldn't allow me to see... I've detailed this and other abuses, including the destruction of my manuscripts and denial of treatments after the assault.

in my civil/prisoner complaint doc. 64; Mohamed V Jones et al.

4-The Adx charged me of "Attempting assault" which is a lie. More over, the disciplinary officer who viewed the camera while decided to find me guilty of attempting assault, she noted in her finding that the camera or the evidence is NOT conclusive in that (or similar statements; I couldn't find the copy of her report).

5-Additionally; while most of reports or memorandum staff falsely prepared that day claim that the use of force occurred when I was been escorted to the observation cell (which's after passing by my cell) at least two reports state that the use of force took place when I was been escorted to my cell. And that's exactly happened as I've detailed in my complaint, doc. 64 at 234. When I and the escorting; three big officers (I'm 5'7) arrived at my cell-door, I naturally stopped and look at my cell door since the officers told me that they escort me to my cell. That stop, which was natural any way (any prisoner stops when he arrive to the area he's escorted to, to do the contrary would be suspicious if not violation of rules), was then used as an attempt to assault... since the camera's could only show figures and wouldn't necessarily reveal my request to the officer; here's my cell, you told me you take me to my cell; or similar statements... in any event; I was maliciously assaulted.

6-MY INQUIRY WITH MY FAMILY: It's true that around 2011 or so I did write and ask my sister about an explosion happened, accidentally, at an army base, that I heard from the BBC Radio. Later, the FBI when extended SAMS for another year on me used that inquiry as one of justifications for the SAMS extension. However; it was and it's normal for me to ask my family about any and all natural or man made problems happen in the country. I've asked my family's well-being and others such as relatives-etc, when I learned there's floods, fire or fiery accidents, drought...etc. My communications are full of those issues... That's because I've big family live in Dar es Salaam and other areas of the country, plus, friends and neighbors... I care for them and the rest; I've to ask. I was told back then that one of my nephew lived closed to the base where the explosions occurred. He was safe, however.

7-TRAINING: Sometime in early 1994, I believe, I traveled to Afghanistan for basic military training. The reason was the world-wide spread news

that the Serbs in Bosnia were committing tremendous atrocities against Muslims there and Muslims needed help. That was the reason. People who provided training were NON-Arabs and different from those who did the embassy bombings. After the training I was told that the road to Bosnia was not available no more. So, I went back to my country and joined my family. ON several times I traveled to Neighboring countries but I was not involved in any illegal activity that I know of. By the end of 1997 and early 1998 I was trying to obtain traveling documents. I wanted to go to Europe for work and looking for better life. Before I was able to get the paperwork, I was approached by people who got me involved in the illegal activities that I was charged and convicted of. I made wrong decision at one time in my life and caused many to suffer including myself. If I only was able to obtain the necessary document in early months of 1998; certainly I wouldn't be here, since I'd not have been involved in the crimes for which I cannot sufficiently expressed my remorse.

8-Mailing: ON January 7, 2025 I submitted my Reply along with this supplemental declaration for mailing... submitted to the Appropriate staff as legal mail with sufficient postage for the first class and as a certified mail, address to:

United States District Court,  
Chambers of Lewis K. Kaplan, 500 Pearl Street, New York, NY 10007.

JAN. 7, 2025

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